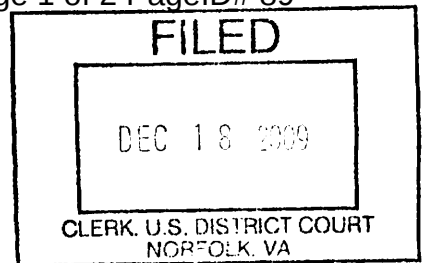


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



LEROY WHORTON,

Plaintiff,

v.

ACTION NO. 2:09cv411

TRAWLER KELSEY NICOLE, INC.,  
et al.,

Defendants.

FINAL ORDER

This matter comes before the court on the Motion for Default Judgment, filed by the plaintiff on September 22, 2009. The matter was referred to a United States Magistrate Judge by order of October 30, 2009, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge's Report and Recommendation was filed on November 25, 2009. The magistrate judge recommended judgment by default in favor of Whorton and against the defendants in an amount to be determined upon the date of final judgment based on, the outstanding principal of \$107,459.25, multiplied by the note's default interest rate of 9% per annum, plus attorney's fees of \$4,097.84; and, further recommended, per the terms of the note, that interest continue to accrue on the unpaid principal and

interest at a rate of 9% per annum in lieu of the standard judgment interest rate.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed November 25, 2009. Accordingly, the plaintiff's motion for default judgment against all defendants is **GRANTED**, and judgment shall be entered against defendants for the outstanding principal of \$107,459.25, plus interest owed on the note to this date being \$11,684.75, plus attorney's fees of \$4,097.84, with additional interest at 9% per annum to accrue post judgment until the principal and interest are paid in full.

The Clerk shall forward a copy of this Final Order to all parties of record.

It is so ORDERED.

/s/  
Rebecca Beach Smith  
United States District Judge - *RBS*  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

December 18, 2009